

**IN THE CIRCUIT COURT OF COLE COUNTY  
STATE OF MISSOURI**

**JOSEPH S. VON KAENEL,**

**Relator,**

**v.**

**ALISA WARREN, in her capacity as  
Executive Director of the Missouri  
Commission on Human Rights**

**Respondents.**

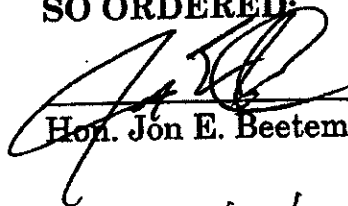
**Case No.: 15AC-CC00472**

**JUDGMENT**

This Court, following the hearing on Relator's Petition for Writ of Mandamus seeking to compel Respondent Alisa Warren, Executive Director of the Missouri Commission on Human Rights, to issue Relator a notice of right-to-sue or to re-open Relator's case and conduct a full investigation, hereby Orders that Relator's Petition for Writ of Mandamus be dismissed. The court finds that the Missouri Commission on Human Rights properly closed Relator's case because it was evident from Relator's Charge that he was alleging discrimination based on his age of seventy, which is not protected under the Missouri Human Rights Act. The court also finds that Relator failed to timely file his Charge with the Commission within one-hundred and eighty days of the alleged adverse act, and that as an equity partner of Armstrong Teasdale LLP, Relator is not a covered employee

protected by the Missouri Human Rights Act. *See Alton v. Missouri Dep't of Pub. Safety*, 456 S.W.3d 134, 137–38 (Mo. App. W.D. 2015); *Howard v. City of Kansas City*, 332 S.W.3d 772, 779 (Mo. banc 2011). Further, determining jurisdiction over Charges and issuing right-to-sue notices are discretionary acts of the MCHR Executive Director in her capacity as a public official, which is not appropriately controlled by mandamus. Moreover, pursuant to 8 CSR 60-2.025(7)(B), the Executive Director has authority to administratively close a complaint at any stage prior to setting the case for public hearing, for reasons including lack of jurisdiction, the absence of any remedy to the complainant and any other circumstance where they deem administrative closure to be appropriate. Accordingly, the decision of the Executive Director to close Relator's complaint was lawful and was not unconstitutional, unreasonable, arbitrary or capricious and did not involve an abuse of discretion. Therefore, Relator's Petition for writ of mandamus is hereby dismissed.

SO ORDERED:



Hon. Jon E. Beetem

Date: 10/19/17